



Appeal Decision

Site Visit made on 26 April 2021

by I Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/V2635/W/20/3258697

Little Acorns, 161 St Pauls Road South, Walton Highway PE14 7DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Sapiano against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 20/00331/F, dated 7 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is temporary siting of caravan to be removed within 6 months of completion of barn conversion Ref: 17/00627/F .
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit the caravan that is the subject of this appeal (the caravan) was present and occupied in a nearby location to that shown on the plan.
3. The barn conversion referred to in the banner was given permission following prior notification under class Q in 2015, Council Ref: 17/00627/F. Subsequently this permission was modified by a permission Council Ref: 18/00823/F.

Main Issue

4. The main issue is whether the site is a suitable location for a caravan with particular regard to the effect of its siting in the countryside and its location in Flood Zone 3a.

Reasons

Countryside location

5. The appeal site lies within an open area of land fronting onto St Pauls Road South. Within this area, there is an existing mobile home (the mobile home). This is occupied by relatives of the appellants who are carrying out the barn conversion and has consent to remain until the conversion is complete. The barn which is in the process of conversion (the barn) lies to the south east of the appeal site. To the north-east of the appeal site lies another large agricultural building (the agricultural building). Overall the site has an open, rural character and appearance, contributing to the wider openness and rural tranquillity of the countryside.
6. The proposal would relocate the caravan between the large agricultural building and the mobile home. The appellants intend to remove the caravan within six

months of the completion of the barn conversion, after the appellants have moved into the dwelling with their daughter and her family.

7. There is no dispute between the parties that the site lies within the countryside as defined by the Borough Council of King's Lynn & West Norfolk Site Allocations and Development Management Policies -2016- (SADMP).
8. Whilst the caravan would be close to existing buildings, it would be some distance from the built up area of West Walton, the nearest settlement with shops and services.
9. In view of the character of the area, the additional activity and residential paraphernalia associated with further residential occupancy would result in an increased urbanisation of this rural location. This would undermine its intrinsic character and beauty.

Flooding

10. The barn conversion has been underway for some time and remains uncompleted. At the time of my visit the roof was lined, with the exception of a small area on a lean-to side extension. However tiling was incomplete and significant areas of the roof lining were exposed. Several openings remained unglazed and open to the elements. Internally substantial work would be needed to make the barn habitable for family occupation.
11. A Flood Risk Assessment and Proforma accompanied the application which identified that the site lies within Flood Zone 3a as identified in the Level 1 Strategic Flood Risk Assessment carried out by King's Lynn and West Norfolk Borough Council in 2018. The area where the caravan itself would be located is acceptable, in flood risk terms, for the temporary siting of the caravan. However the development would still need to be the subject of a sequential test and, if necessary, an exception test.
12. The caravan has been present on the site and occupied for some time. It is intended that it would remain so until up to six months after the barn conversion had been completed. The barn conversion has taken a significant period to reach its current state.
13. Whilst there have been problems with the work carried out by the original contractors, this has now been resolved. The appellants' son-in law has suffered health problems which have limited his ability to progress the works and he and his father-in-law have limited experience of building works. The son-in law's health problems are ongoing and so his ability to progress the works with any efficiency is in doubt.
14. The appellants argue that progress has been delayed as a result of obtaining building materials and difficulties maintaining social distancing on-site for external labour. There is little substantive evidence to demonstrate that there has been a prolonged period of significant disruption in the supply chain of the particular basic building materials being used on the site. Even if the Covid pandemic has imposed restrictions on persons from outside a support bubble from mixing on site, the site is extensive and, on the basis of the evidence before me, I see no reason why social distancing could not be maintained whilst progressing the work.

15. Given this slow progress, the amount of work remaining before anyone can move into the barn and the uncertainty that the son-in law will be able to progress the works due to his ongoing health problems, it is likely that the caravan would be occupied for some time yet to come. I consider it appropriate to assess the proposal, in terms of risk, in a worst case scenario where the length of time of occupation would be, for this assessment, prolonged with no certain end date. The proposal is, therefore, more appropriately classified as 'highly vulnerable development' (rather than 'more vulnerable development' as it would normally be for a temporary caravan occupied for a short period) as its Flood Risk Vulnerability Classification.
16. No other location where the proposal could be positioned which would carry a lower flood risk has been identified, thus the proposal would pass the sequential test. In considering whether the proposal satisfies the exception test I have considered the length of time that the caravan will be likely to be occupied.
17. In considering the proposals merits under the exception test, an assessment needs to be made of the wider sustainability benefits that the proposal would bring.
18. Whilst it may be necessary to maintain a presence on site to progress the building works, there is already accommodation on-site, occupied by the developers of the barn. This provides security and an appropriate level of access to supervise and carry out works. Whilst the father-in-law does do some work on the barn, this does not justify his permanent presence.
19. The mobile home is occupied by the daughter of the appellants and her family whilst the barn is renovated and one of the appellants currently provides childcare. Whilst there is no evidence before me that childcare provision exists nearby, neither has it been demonstrated that the appellants must live on the site to provide childcare.
20. The appellants have not demonstrated wider sustainability benefits to outweigh the risk of flooding. Whilst I note that the Flood Risk assessment suggest mitigation measures to reduce risk to life and property, should the site flood, and that the Environment Agency and Emergency Planning Officer have no objection to the proposal, subject to such conditions, these have considered the proposal as a temporary occupation of the caravan where time limits would usually be of a more definite period, and I mindful of the potential for this development to be occupied on a much more prolonged basis. Under these circumstances it is more appropriate to avoid any such risk, rather than to mitigate it.
21. I therefore find that the proposal would not be a suitable location for a caravan with particular regard to the effect of its siting in the countryside and its location in Flood Zone 3a. The proposal would therefore be contrary to Policies CS01, CS06 and CS08 of the King's Lynn & West Norfolk Borough Council Local Development Framework Core Strategy 2011 and Policy DM2 of the SADMP in as much as these policies seek to promote sustainable development and ensure that growth takes place in key rural service centres and rural villages, with limits defined by settlement boundaries; protect the countryside for its intrinsic character and beauty; and guide development away from areas at risk of flooding or limit it to those types of development appropriate to the level of flood risk.

22. For similar reasons the proposal would also be contrary to the aims of those parts of the National Planning Policy Framework -2019- which seek to deliver a sufficient supply of homes whilst conserving and enhancing the natural environment and meeting the challenge of climate change, flooding and coastal change.

Conclusion

23. The proposal would harm the Council's spatial strategy, the character and appearance of the countryside, result in an unnecessary and unacceptable risk of flooding and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

I Dyer

INSPECTOR